



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (APPA) No. 28 of 2026
in
Criminal Appeal No. 524 of 2023

Rajendra Kisanlal Shahare

Versus

The State of Maharashtra through its Police Station Officer, Police Station
Chichgarh, Dist. Gondia and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Sonali Khobragade, Advocate for the appellant.

Mrs. Sonali Saware Gadhawe, appointed Advocate for the appellant.

Ms. Ritu Sharma, APP for the respondent/State.

**CORAM : ANIL L. PANSARE &
NIVEDITA P. MEHTA, JJ.**

DATED : 21st JANUARY, 2026.

Learned counsel has filed the present application seeking *speaking to minutes* for recalling the order dated 12.01.2026, by which this Court had directed removal of her name from the Legal Aid Panel.

2. It is contended by the learned counsel for the appellant that her engagement in the present appeal is in her personal capacity, having been specifically engaged by the appellant. It is submitted that earlier this Court had appointed Shri Sumit Joshi, learned counsel from the High Court Legal Aid Services Sub-Committee, to represent the appellant; however, he has since been appointed as a Judge in the lower judiciary. It is further contended that on 12.01.2026, the learned counsel could not remain present before the Court as she was suffering from viral fever and came to know about the said order only subsequently. It is

submitted that if the application is allowed, no prejudice would be caused to the other side.

3. On considering the submissions advanced and the record, it is evident that the earlier order dated 12.01.2026, came to be passed in the absence of the learned counsel, who has satisfactorily explained her non-appearance on the said date on account of illness. It is also not in dispute that the appellant has engaged the said counsel in her personal capacity to represent him in the present appeal. The right of an accused/appellant to be represented by an advocate of his choice, subject to law, is a valuable procedural safeguard and deserves due consideration. Further, the recall of the order would not cause any prejudice to the prosecution or affect the merits of the appeal.

3. In the aforesaid circumstances, Ms. Sonali Khobragade, learned counsel, who was subsequently appointed from the Legal Aid Committee to represent the appellant is accordingly discharged.

4. The application for *speaking to minutes* is allowed. The order dated 12.01.2026 is recalled.

5. The Criminal Application stands disposed of.

[JUDGE]

[JUDGE]